



5. Gabriel Brooks has been licensed in the state of Iowa as a nonresident insurance producer since August 3, 2019. He is licensed under National Producer Number 17966188.
6. Sean Brooks has been licensed in the state of Iowa as a nonresident insurance producer since October 24, 2019. He is licensed under National Producer Number 18947409.
7. Pursuant to Iowa Code § 505.28, Respondents have consented to the jurisdiction of the Commissioner of Insurance by committing acts governed by chapter 507B.
8. From on or about June 2, 2022 to October 19, 2022 (“relevant time period”) Respondents engaged in acts and practices within the state of Iowa constituting cause for probation, suspension, or revocation of their insurance producer licenses; cease and desist orders; restitution; and civil penalties or other relief under Iowa Code chapters 505, 507B, and rules adopted pursuant to these chapters.

## **II. FINDINGS OF FACT**

9. Respondents applied for nonresident insurance producer licenses with the Division by submitting through the National Insurance Producer Registry a Uniform Application for Individual Producer License (“Uniform Application”). In submitting the Uniform Application, Respondents designated the Commissioner as an agent for service of process.
10. The Division issued Gabriel Brooks a license as a nonresident insurance producer on August 3, 2019, and assigned to him National Producer Number 17966188.
11. The Division issued Sean Brooks a license as a nonresident insurance producer on October 24, 2019, and assigned to him National Producer Number 18947409.
12. Respondents are brothers who are self-employed producers and work together for advertising purposes in a shared office space.

13. Gabriel Brooks owns, operates, or manages Facebook pages for Affordable Health Insurance, Affordable American Healthcare, and Fair American Healthcare. These groups are not legal business entities, but are instead group names he uses for creating Facebook profile pages and sponsoring advertisements on Facebook.

14. The Burial Solution, L.L.C (“Burial”) is a limited liability company incorporated in Ohio with a principal place of business and a mailing address of 17 W. Columbus Street, Pickerington, Ohio 43147.


15. Gabriel Brooks is listed on Burial’s articles of incorporation as the business’s registered agent.

16. During the relevant time period, Gabriel Brooks sponsored and paid for an advertisement on Facebook stating in part, “\*Attention Iowa Residents\* Governor Reynolds has recently supported NEW Health Insurance Programs designed specifically for small business owners and Self-Employed individuals.” The sponsored advertisement contains an image of Iowa Governor Reynolds signing an official document:

 **Affordable Health Insurance**  
Sponsored · Paid for by Gabriel Brooks

 Attention Iowa Residents

Governor Reynolds has recently supported NEW Health Insurance Programs designed specifically for small business owners and Self-Employed individuals.

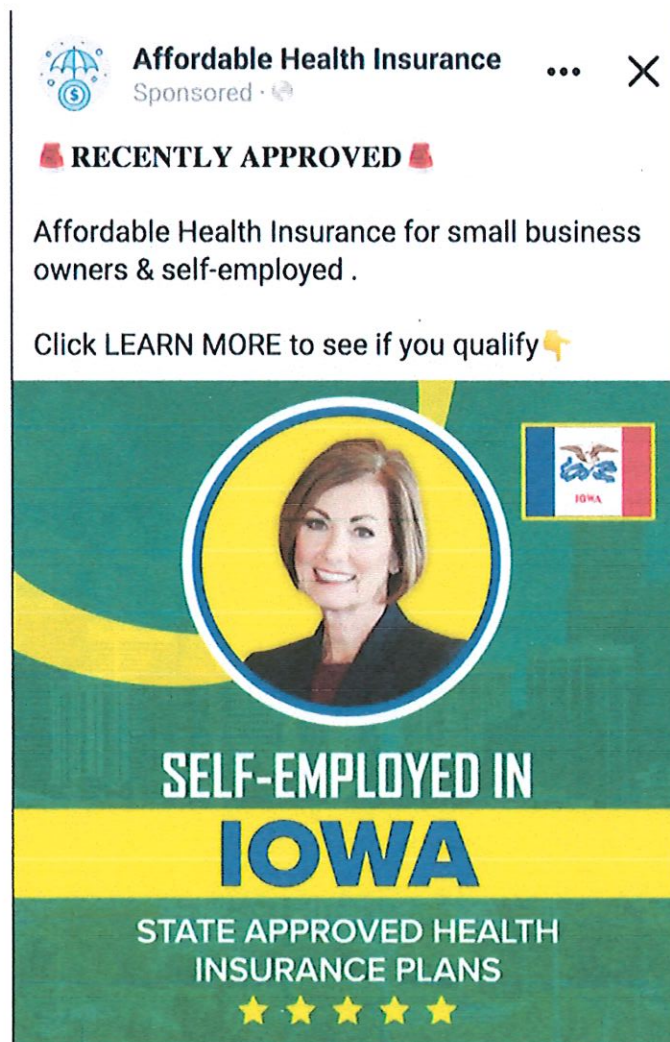
Click [LEARN MORE](#) to see if you qualify 



17. Gabriel Brooks also sponsored and paid for an identical advertisement on Facebook for group Affordable American Healthcare.

18. During the relevant time period, Sean Brooks and/or Gabriel Brooks sponsored and paid for an identical advertisement on Facebook for group Fair American Healthcare.

19. During the relevant time period, Gabriel Brooks sponsored and paid for an advertisement on Facebook stating in part, “\*RECENTLY APPROVED\* Affordable Health Insurance for small business owners and self-employed.” The advertisement contains an image of Iowa Governor Kim Reynolds and Iowa’s state flag with the text “state approved health insurance plans”:



20. On October 25, 2022, a Division investigator sent administrative subpoenas by FedEx overnight mail to Gabriel Brooks, at the mailing address listed in his licensing record.
21. On October 25, 2022, a copy of the administrative subpoena was also emailed to Gabriel Brooks, at the e-mail address listed in his licensing record.
22. The subpoena commanded Gabriel Brooks to produce information regarding any advertisements on Facebook and any social media platforms that reference Iowa, Governor Kim Reynolds or uses her likeness, or contain language that Iowa's governor has recently approved a self-employment health insurance program. The subpoena included a response deadline of November 14, 2022.
23. The subpoena sent by FedEx was successfully delivered and signed for by Gabriel Brooks, or someone acting on his behalf.
24. On October 26, 2022, Gabriel Brooks contacted the Division investigator by telephone to discuss the subpoena.
25. On October 27, 2022, Gabriel Brooks emailed his subpoena response to the Division investigator.
26. Prior to the Division's subpoena, Gabriel Brooks was listed as the responsible party on the Facebook pages for Affordable Health Insurance and Affordable American Healthcare. On or about October 26, 2022, the date Gabriel Brooks received the Division's subpoena, the responsible person for the Affordable American Healthcare Facebook page changed to Burial. Affordable Health Insurance's Facebook page is no longer running.
27. Prior and subsequent to the Division's subpoena, Sean Brooks was listed as the responsible party on the Facebook page for Fair American Healthcare. Although Sean Brooks is

identified on the group page as the responsible party and sponsor/payor of the group's advertisements, Gabriel Brooks asserted ownership of the group's page in his subpoena response.

28. Respondents have ceased using the advertisements described herein and have remedied their marketing practices regarding the use of Governor Reynold's likeness for marketing purposes.

29. Subsequent to his brother advising him of the Division's subpoena, Sean Brooks has ceased advertising in the Iowa.

30. Respondents fully cooperated with the Division's investigation.

### **III. CONCLUSIONS OF LAW**

#### **COUNT ONE**

##### **Unfair Methods of Competition or Unfair or Deceptive Acts or Practices**

31. Under Iowa Code § 507B.3, "a person shall not engage in this state in any trade practice which is defined in this chapter as, or determined pursuant to section 507B.6 to be, an unfair method of competition, or an unfair or deceptive act or practice in the business of insurance."

32. Iowa Code § 507B.4(3)(b)(1) prohibits "Making, publishing, disseminating, circulating, or placing before the public, or causing, directly or indirectly, to be made...an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance or with respect to any person in the conduct of the person's insurance business, which is untrue, deceptive or misleading."

33. Iowa Administrative Code chapter 15—Unfair Trade Practices establishes certain minimum standards and guidelines of conduct by identifying unfair methods of competition and unfair or deceptive acts or practices in the business of insurance, as prohibited by Iowa Code chapter 507B.

34. Under Iowa Administrative Code rule 191— 15.3(9)(b), “No advertisement shall use any combination of words, symbols, or physical materials which by its content, phraseology, shape, color or other characteristics is so similar to combinations of words, symbols, or physical materials used by a municipal, state or federal agency that it would lead a reasonable individual to believe that the advertisement is approved, endorsed or accredited by an agency of the municipal, state or federal government.”

35. Respondents, directly or indirectly, made, published, disseminated, circulated, or placed before the public, or caused, directly or indirectly, to be made advertisements which contained an untrue, deceptive or misleading assertion, representation, or statement.

36. Respondents, directly or indirectly, sponsored or paid for advertisements on Facebook which misled, or had the capacity to mislead, the public that it was sponsored, endorsed, or associated with the Iowa government.

37. Respondents used the image of a government official, Governor Kim Reynolds, to lend credibility to his solicitation for insurance sales.

38. Respondents’ advertisements were also deceptive because they gave consumers the impression that a new health insurance program had just been approved by Governor Reynolds specifically, or the state generally, when no such government-sponsored or government-endorsed product existed.

39. Respondents’ acts and practices have been in violation of Iowa Code §§ 507B.3, 507B.4(3)(b)(1), and Iowa Administrative Code rule 191— 15.3(9)(b), subjecting Respondents to the imposition of a civil penalty, an order requiring Respondents to cease and desist from engaging in such acts or practices, the imposition of costs of the investigation and prosecution of

the matter, and any other corrective action the Commissioner deems necessary and appropriate pursuant to Iowa Code §§ 507B.7 and 505.8.

#### **IV. ORDER**

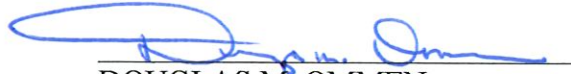
**WHEREFORE, IT IS ORDERED** pursuant to the powers granted to the Commissioner of Insurance by Iowa Code chapter 507B:

- A. Respondents shall cease and desist from engaging in the acts or practices found herein pursuant to Iowa Code § 507B.7;
- B. Respondents are permanently prohibiting from advertising insurance products or programs in Iowa that include or reference the Iowa Governor and/or contain the Governor's image without first obtaining the Governor's express consent;
- C. Respondents shall, contemporaneously with this Order, pay of a civil penalty in the amount of \$2,000. The payment shall be made payable to the Iowa Insurance Division, to be credited to the Iowa Enforcement Fund to provide funds for insurance, securities, and investment advising enforcement and education pursuant to Iowa Code §§ 505.8, 507B.7, and 522B.17;
- D. Respondents shall, contemporaneously with this Order, pay costs of the investigation and prosecution in the amount of \$800. The payment shall be made payable to the Iowa Insurance Division, to be credited to the Iowa Enforcement Fund to provide funds for insurance, securities, and investment advising enforcement and education pursuant to Iowa Code § 505.8; and
- E. These orders may be enforced under Iowa Code chapter 507B, including but not limited to, Iowa Code § 522B.17(3), and additionally, by any collection remedies



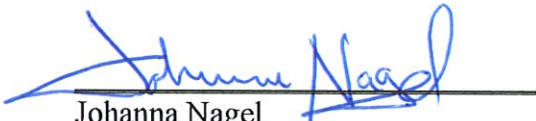
available to the State of Iowa Department of Revenue for unpaid penalties and other ordered monetary amount.

SO ORDERED on the 25<sup>th</sup> day of January, 2023.



DOUGLAS M. OMMEN  
Iowa Insurance Commissioner

Respectfully submitted,



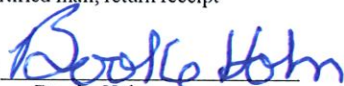
Johanna Nagel  
Iowa Insurance Division  
1963 Bell Avenue, Suite 100  
Des Moines, Iowa 50315  
Phone: (515) 654-6563  
[johanna.nagel@iid.iowa.gov](mailto:johanna.nagel@iid.iowa.gov)  
**ATTORNEY FOR THE DIVISION**

**Copy via U.S. Certified Mail to:**  
Gabriel and Sean Brooks  
1409 Old Hickory Drive  
Columbus, Ohio 43223  
**RESPONDENTS**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause, or their attorney, at their respective addresses disclosed on the pleadings on January 25, 2023.

- By:  First Class Mail  Personal Service  
 Restricted certified mail, return receipt  Email, by consent  
 Certified mail, return receipt  \_\_\_\_\_

Signature:   
Brooke Hohn

**NOTICE OF PENALTIES FOR WILLFUL VIOLATION OF THIS ORDER**

**YOU ARE NOTIFIED** that acting as an insurance producer, as defined in Iowa Code chapter 522B, in violation of this Order, is a felony under Iowa Code § 507A.10, subjecting you to punishment of imprisonment, jail, fines, or any combination of custody and fines.

**YOU ARE ALSO NOTIFIED** that if you violate this Order, you may be subject to administrative and civil penalties pursuant to Iowa Code §§ 522B.17(3) and 502.604. The Commissioner may petition the district court to hold a hearing to enforce the order as certified by the Commissioner. The district court may assess a civil penalty against you in an amount not less than three thousand dollars but not greater than ten thousand dollars for each violation, and may issue further orders as it deems appropriate.

**NOTICE OF FINAL ORDER IMPACT**

A final order of license probation, suspension, or revocation or a cease and desist order may adversely affect other existing business or professional licenses and may result in license revocation or disciplinary action.

A final order in an administrative action does not resolve any potential criminal or civil violations or causes of action that might arise from the same or similar conduct that is the subject of this contested case. It may result in criminal law enforcement authorities, including the fraud bureau of the Iowa Insurance Division, pursuing a criminal investigation or prosecution of potential criminal law violations.

**CONSENT TO ORDER AND AGREEMENT**

We, Gabriel Brooks and Sean Brooks, Respondents in this matter, have read, understood, and do knowingly consent to this Order in its entirety. We understand and acknowledge we have the right to consult with an attorney on this matter if we choose to do so, and acknowledge that the Division cannot provide us an attorney nor can the Division provide us legal advice. By executing this Consent Order, we understand that we are waiving our rights to a contested case hearing, to confront and cross-examine witnesses, to produce evidence, and to judicial review.

We further understand this Order is considered a final administrative action that will be reported by the Division to the National Association of Insurance Commissioners and to other regulatory agencies. We also understand this Order is a public record under Iowa Code chapter 22 and information may be shared with other regulatory authorities or governmental agencies, pursuant to Iowa Code § 505.8(8)(d). We also understand this Order will be posted to the Division's website and a notation will be made to the publicly available website record that administrative action has been taken against us.

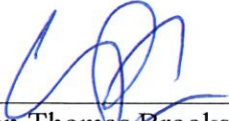
Dated: 1/23/2023



\_\_\_\_\_  
Gabriel Brooks, Respondent

1409 Old Hickory Dr Columbus Ohio 43223

\_\_\_\_\_  
Address of Signatory



\_\_\_\_\_  
Sean Thomas Brooks, Respondent

1409 Old Hickory Dr Columbus Ohio 43223

\_\_\_\_\_  
Address of Signatory

Subscribed and sworn before me by Sean + Gabriel Brooks on this 23<sup>rd</sup> day of January, 2023.



**JEREMY GIBSON**  
Notary Public State of Ohio  
My Comm. Expires June 29, 2026

